

**Request for Proposals**  
**for the**  
**Wisconsin Judicial Council**

**Research Current Patterns and Practices  
Concerning the Initiation and Implementation  
Of Rules of Practice and Procedure in the Wisconsin Courts  
And Report Findings to the Wisconsin Judicial Council**

Proposals must be received  
no later than 4:30 p.m. June 30, 2006

mailed or delivered personally (no fax) to:

The Wisconsin Judicial Council  
Suite 606 Tenney Building  
110 East Main Street  
Madison, WI 53703-3328

Contact information:

Judge Edward E. Leineweber, Chair  
Wisconsin Judicial Council Strategic Planning Committee  
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Issued February 22, 2006  
Wisconsin Judicial Council

## **1. INTRODUCTION AND BACKGROUND**

Section 758.13, Wisconsin Statutes, creates the Judicial Council, defines its organization, and sets out its powers and duties. Originally created by an act of the legislature in 1951, the Judicial Council traces its roots back to the earlier Advisory Committee on Rules of Pleading, Practice and Procedure, created by the legislature in 1929. At present it is a 21-member body with representatives from all three branches of government as well as the public at large.

The powers and duties of the Judicial Council set forth in subsection (2) of the statute include observing and studying the rules of pleading, practice and procedure; studying the organization, jurisdiction and methods of operation of the state's courts; receiving and considering suggestions from any source pertaining to the administration of justice in Wisconsin; keeping advised concerning the decisions of the courts and pending legislation relating to practice and procedure; and making recommendations to the Supreme Court, the legislature and the governor concerning any changes in the organization, operation and methods of conducting business in the courts that will improve the efficiency and effectiveness of the court system and result in cost savings.

Over the past seventy-five years, many significant initiatives and reforms have been recommended by the Judicial Council and its predecessor body and later adopted. More recent examples include the 1969 revision of the Criminal Procedure Code, the 1974 Rules of Evidence, the 1976 Civil Procedure Code, and the 1978 Rules of Appellate Procedure. Even now, the Judicial Council is making significant contributions to the modernization and improvement of the rules of court procedure, including the recently adopted changes to certain rules of appellate procedure and forthcoming revisions to the Criminal Procedure code.

However, in the last ten years the ability of the Judicial Council to fulfill its statutory mandate has been severely diminished by the elimination of executive staff positions and the substantial reduction in its operating budget. At present, limited staff functions are performed by Judicial Commission personnel, and a very minimal budget is adequate only to reimburse Council members for travel expenses and to contract for minimal research and drafting services. Most of the work of the Judicial Council is currently being performed on a volunteer basis by the Council members, and others who serve on ad hoc committees established for particular projects.

With the dramatic reduction in the capacity of the Judicial Council to adequately perform its prescribed duties, requests for changes to rules of practice and procedure now routinely come to the Supreme Court from many other sources. Other entities are also studying and recommending ways to make the courts more efficient. Legislation is frequently introduced which would affect practice and procedure in the courts without first being submitted to the Judicial Council for its consideration and recommendations.

While these various entities are free to seek changes to the rules of practice and procedure without first coming to the Judicial Council, this developing practice of bypassing the Council, combined with the lack of adequate resources available to the Council, creates a situation in which the will of the legislature to have the Judicial Council function as designed is being frustrated, and the purposes for which the Council was created, i.e., to have proposed changes in court operations and practices considered and coordinated by a broad-based group representing various interests, might no longer be adequately fulfilled.

## **2. PROJECT SCOPE**

Basic Project Scope: The Judicial Council is considering contracting for a person or entity to document the extent to which the statutory functions of the Judicial Council are now being performed by others, examine these developing practices and note their positive and negative aspects with respect to best promoting efficiency, fairness and cost savings in the courts, investigate how these functions are performed and funded in other American jurisdictions, and submit a report to the Judicial Council on these matters, including any recommendations for action by the Council.

Such recommendations might include, but not be limited to, proposing statutory or rules changes concerning the organization, powers, staffing and duties of the Judicial Council, including the possible elimination of the Council; and proposing changes to procedures for seeking statutory or rules changes to court operations, such as a requirement that all such changes be submitted to the Judicial Council before being introduced into the legislature or filed with the Supreme Court.

Expanded Project Scope: Included in the Basic Project is an investigation of other American jurisdictions' approach to the functions

assigned to the Judicial Council by §758.13, Wis. Stats. This basic investigation is limited to a brief overview of this topic which might consist in nothing more than computer-based legal research of other jurisdictions' statutes and court rules, and a brief look into more detail on one or two.

The expanded project scope would include a much more thorough review of how these functions are performed in a representative sample of jurisdictions, including the federal. Population size, geographic location and governmental structure might be some of the variables considered in selecting the sample for more in-depth examination. Particular attention would be paid to how these functions are funded in the jurisdictions selected for closer study. Interviews with knowledgeable people in these jurisdictions would probably be included.

Proposals need not include the Expanded Project Scope, but must break out charges separately, if it is included. Further, the Judicial Council must have the option of selecting the Expanded Project Scope proposal, or declining to do so, if it prefers to only accept the proposal for the Basic Project Scope.

### **3. CONTRACT MANAGEMENT**

This Request for Proposals (RFP) is issued by the Wisconsin Judicial Council, via the Strategic Planning Committee. Judge Edward E. Leineweber, the Chair of the Strategic Planning Committee, is the sole point of contact for the Judicial Council during the selection process. The person responsible for managing the procurement process is Judge Leineweber. Any questions concerning this RFP must be submitted in writing via mail or e-mail or phone contact with a follow-up e-mail on or before June 20, 2006, to Judge Leineweber at the addresses and phone number listed on the cover sheet of this RFP.

### **4. CALENDAR OF EVENTS**

Listed below are specific and estimated dates and times of actions related to this Request for Proposals. The actions with specific dates must be completed as indicated, unless otherwise changed by the Judicial Council. In the event the Judicial Council finds it necessary to change any of the specific dates and times in the calendar of events listed below, it will do so by issuing a supplement to this RFP via e-mail or phone call. There might or might not be a formal notification issued for changes in the estimated dates and times.

<u>Date</u>	<u>Event</u>
February 22, 2006	Date of issue of RFP
June 20, 2006	Last date for submitting written inquiries
June 30, 2006, 4:30 p.m.	Proposals due from vendors
By appointment	Oral presentations by invited vendors
September 20, 2006	Notice of Intent to Award sent to vendors
October 20, 2006	Contract Approved by Judicial Council

## **5. CONTRACT TERM**

The contract shall be effective on the date indicated on the purchase order or the contract execution date, and shall run for a term of six (6) months, subject to extension by the Judicial Council for good reason.

## **6. PREPARING AND SUBMITTING A PROPOSAL**

6.1 Incurring Costs. The Judicial Council shall not be liable for any cost incurred by vendors in replying to this RFP.

6.2 Submitting the Proposal. Proposals must be submitted in an original (identified as such) and five (5) copies of all materials required for acceptance, plus two (2) electronic copies no later than 4:30 p.m. on Friday, June 30, 2006, to the Wisconsin Judicial Council at the address shown on the cover sheet of this RFP. Proposals may not be sent via fax or e-mail. All proposals must be packaged, sealed and show the following information on the outside of the package: Vendor's name and address, and the RFP title as shown on the cover sheet.

6.3 Proposal Organization and Format. Proposals should be typed and submitted on 8.5 x 11 inch paper bound securely. Proposals must be organized with the following headings:

- (a) Qualifications and Related Experience
- (b) References
- (c) Project Plan
- (d) Financial Stability
- (e) Cost Proposal

6.4 Oral Presentations. Selected vendors might be invited to make oral presentations to the Strategic Planning Committee of the

Judicial Council. The Committee will make reasonable attempts to schedule presentations at times, dates and locations that are agreeable to the vendor. Failure of a vendor to make a presentation on the date scheduled may result in rejection of the vendor's proposal.

6.5 Withdrawal of Proposals. Proposals shall be irrevocable until contract award unless the proposal is withdrawn. Vendors may withdraw a proposal in writing any time up to the closing date and time for the submission of proposals by submitting a request in writing to the Judicial Council at the address shown on the cover sheet of this RFP, or by e-mailing Judge Leineweber. The vendor may submit another proposal any time up to the proposal closing time.

6.6 Required Affidavit. Proposals must be submitted with the Signature Affidavit attached to this RFP signed by the individual submitting the RFP, if not by an organization, or by an authorized representative of the organization submitting the RFP.

## **7. PROPOSAL SELECTION AND AWARD PROCESS**

7.1 Evaluation Team. Members of the Strategic Planning Committee of the Judicial Council (SPC) will review, evaluate and discuss the proposals received, and will make recommendations to the Judicial Council with respect to action to be taken. Vendors may not contact members of the SPC, except Judge Leineweber, the vendor contact person.

7.2 Selection Criteria. Proposals will be evaluated on the basis of the professional qualifications of the submitters, their background relevant to the subject matter of this study, their capacity and resources to conduct the study thoroughly and on a timely basis, and in light of the cost for services. Pro bono contributions by professionals for all or a part of the study will be favorably considered. Failure to respond to each of the requirements in the RFP may be a basis for rejecting the proposal.

7.3 Right to Reject Proposals and Negotiate Contract Terms. The Judicial Council reserves the right to reject any and all proposals and to negotiate the terms of the contract, including the award amount, with the selected vendor prior to entering into a contract. If a contract cannot be negotiated successfully with the 1<sup>st</sup> choice vendor, the Judicial Council may negotiate with 2<sup>nd</sup> choice and subsequent choice vendors in an effort to successfully negotiate a contract.

7.4 Award and Final Offers. The award, if made on any of the proposals, will be granted in the best interests of the Judicial Council. Vendors may be requested to submit final and best offers.

7.5 Notification of Intent to Award. As a courtesy, the Judicial Council may send notification of any award eventually granted to responding vendors.

7.6 Reservation of Rights. The Judicial Council reserves the right to incorporate standard State contract provisions into any contract negotiated with any vendor submitting a proposal pursuant to this RFP. Failure of the successful vendor to accept these obligations in a contractual agreement may result in cancellation of the award.